



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25702 of 2021

1. Srinivasan
2. Vijay Krishnan

...Petitioners

Versus

State Rep by
Inspector of Police,
Lang grabbing prevention special unit, DCB
Tiruvallur District.
(Crime No.93 of 2021)

...Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in FIR No.93 of 2021 dated 18.12.2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Nirmal Aditya

For Respondent : Mr.A.Gokulakrishnan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 406, 417, 420, 465, 468 and 471 of IPC on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto-complainants lodged a complaint against the petitioners herein who are close relatives of the complainants, alleging that they have been unlawfully performed various transactions in their land situated at Tiruvallur vide Survey No.300/3 with Plot No.226. Hence, based on the complaint, FIR No.93 of 2021 has been registered against the petitioners herein.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He



further submits that the defacto complainants have approached the petitioners for urgent need of money and they have fully agreed and executed various documents towards the 1st petitioner herein. However, the defacto-complainants have lodged the false complaint against the petitioners herein with the intention of ulterior motive even if they are nieces of the 1st petitioner herein. The dispute between the petitioners and Defacto-complainants is civil in nature. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the petitioners have registered the property belongs to the defacto complainants in their favour without their consent as if the defacto complainants have received a sum of Rs.10 lakhs from the petitioners herein for the alleged property by creating forgery Document like Money Receipt. The investigation is on. Hence he opposed for Anticipatory Bail.

5. Having considered the facts and circumstances of the case, the fact that the investigation is under progress and also the petitioners are said to have made forgery document to the tune of Rs.10 Lakhs as if the defacto-complainants have received a sum as part of the sale consideration from them being uncle of the defacto-complainants, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the **petitioners are directed to deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) to the credit of Crime No.93 of 2021** wherein a sum of Rs. 5,00,000/- within a period of two weeks and the remaining amount of Rs.3,00,000/- within a period of four weeks shall be deposited from the date of receipt of copy of this order to the credit of aforesaid Crime No. and on such deposit, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the **learned IX Metropolitan Magistrate, Saidapet**, and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(c)the petitioners\ shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

7. Post the matter on 25.01.2022 for reporting the compliance and for further orders.

-sd/-
23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
LAND GRABBING PREVENTION SPECIAL UNIT,
DCB, TIRUVALLUR DISTRICT.

+2 CC to M/S.S.NIRMAL ADITYA Advocate on payment of necessary charges SR.NO.15586

CRL OP.25702/2021

Date :23/12/2021

TA-07/01/2022